

### REMARKS

This Application has been carefully reviewed in light of the Final Office Action mailed February 22, 2010. In the Final Office Action, Claims 1-4 and 8-11 were rejected, and Claims 5-7 were previously withdrawn due to an election/restriction requirement. Claims 1 and 8 are herein amended. These amendments do not change the scope of the claims, and should therefore be entered, as explained below. Applicant respectfully requests reconsideration and allowance of all pending claims.

#### **Amendments to Claims 1 and 8 should be entered.**

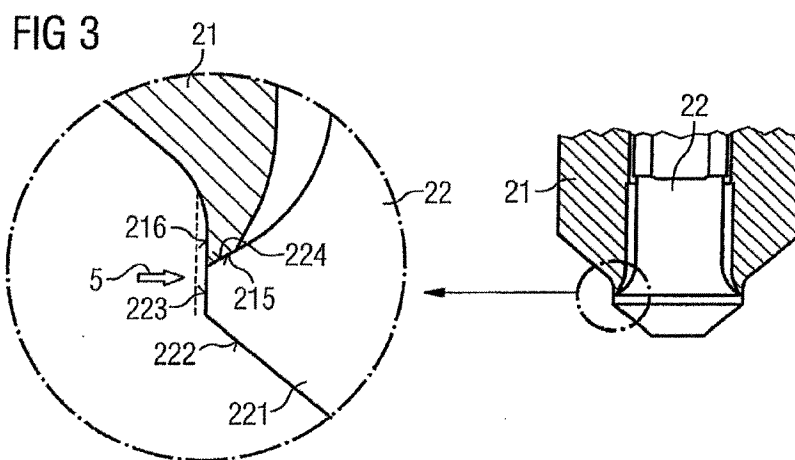
Applicant has amended independent Claims 1 and 8 merely to reiterate that the “outer diameter contour of the cartridge adjacent to the needle seat” is “cylindrically-shaped”, such that it is clear that the *cylindrically-shaped* outer diameter contour of the cartridge adjacent to the needle seat and the *cylindrically-shaped* area of the needle have the same outer diameter. This feature -- that the outer diameter contour of the cartridge adjacent to the needle seat is “cylindrically-shaped” -- is already recited earlier in Claims 1 and 8. For example, Claims 1 and 8 already specify that “**an area of the cartridge adjacent to the needle seat has an inner diameter contour and a cylindrically-shaped outer diameter contour.**” Thus, the amendments to Claims 1 and 8 do not add new limitations or otherwise change the scope of the claims at all. Therefore, the amendments do not require any new searching or otherwise burden the Examiner, and should thus be entered.

#### **Applicant’s Claims are Allowable over Hoffmann.**

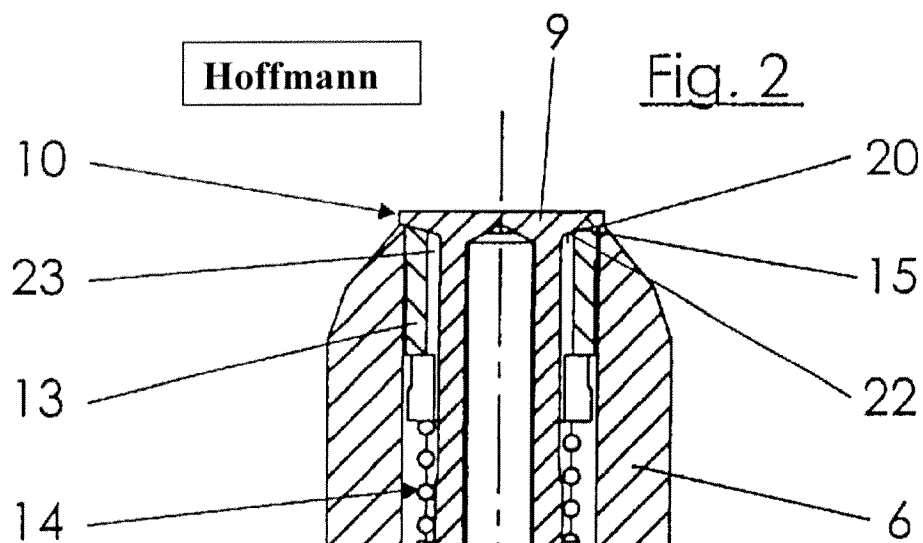
Claims 1-4 and 8-11 were rejected by the Examiner under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,931,390 issued to Karl-Heinz Hoffmann et al. (“*Hoffmann*”).

A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 U.S.P.Q.2d 1051, 1053 (Fed. Cir. 1987). Furthermore, “the identical invention must be shown in as complete detail as is contained in the ... claim.” *Richardson v. Suzuki Motor Co. Ltd.*, 868 F.2d 1226, 1236, 9 U.S.P.Q.2d 1913, 1920 (Fed. Cir. 1989).

Applicant respectfully submits that *Hoffmann* does not teach “each and every element” set forth in Applicant’s claims, much less “the identical invention” as recited in Applicant’s claims. For example, Claim 1 recites “wherein an area of the cartridge adjacent to the needle seat has an inner diameter contour and a cylindrically-shaped outer diameter contour, and the needle has a cylindrically-shaped area adjacent to the seat area, and ***wherein the cylindrically-shaped outer diameter contour of the cartridge adjacent to the needle seat and the cylindrically-shaped area of the needle have the same outer diameter.***” Claim 8 recites similar language. These features are shown, for example, in Applicant’s Figure 3, which shows a *cylindrically-shaped* area 216 of cartridge 21 adjacent needle seat 215, and a *cylindrically-shaped* area 223 of needle 22, having the same outer diameter. Further, Applicant’s specification (at paragraph 0025) specifies that “The area 216 of the cartridge 21 adjacent to the needle seat 215 has a cylindrically-shaped outer contour.”



In contrast, *Hoffmann* fails to teach a “*cylindrically-shaped* outer diameter contour of the cartridge adjacent to the needle seat” at all. As shown in Figure 2 of *Hoffmann*, which is partially reproduced on the following page, the outer diameter contour of the “cartridge” 6 adjacent the needle seat is **conical, not cylindrical**. Further, the cylindrical portion of “cartridge” 6 further away from the needle seat cannot be the area of the cartridge “adjacent to the needle seat” because that cylindrical portion clearly does not have the “same outer diameter” as the needle.)



Thus, for at least the reasons set forth above, Applicant respectfully submits that independent Claims 1 and 8 are allowable over *Hoffmann*, and thus Applicant requests allowance of Claims 1 and 8, and all claims that depend therefrom.

**CONCLUSION**

Applicant has made an earnest effort to place this case in condition for allowance in light of the remarks set forth above. Applicant respectfully requests reconsideration of the pending claims.

Applicant believes there are no fees due at this time. However, the Commissioner is hereby authorized to charge any fees necessary or credit any overpayment to Deposit Account No. 50-4871 of King & Spalding L.L.P.

If there are any matters concerning this Application that may be cleared up in a telephone conversation, please contact Applicant's attorney at 512.457.2030.

Respectfully submitted,  
KING & SPALDING L.L.P.  
Attorney for Applicant



Eric M. Grabski  
Registration No. 51,749

Date: \_\_\_\_\_

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SEND CORRESPONDENCE TO:  
KING & SPALDING L.L.P.  
CUSTOMER ACCOUNT NO. **86528**  
512.457.2030  
512.457.2100 (fax)